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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,816	09/05/2003	Kendall W. Prince	11640.4	7157
7590 03/30/2009				
KIRTON & McCONKIE 1800 Eagle Gate Tower 60 East South Temple Street P.O. Box 45120 Salt Lake City, UT 84145-0120				
EXAMINER				
A. PHU DIEU TRAN				
ART UNIT		PAPER NUMBER		
3633				
MAIL DATE		DELIVERY MODE		
03/30/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/655,816

Applicant(s)

PRINCE ET AL.

Examiner

PHI D. A

Art Unit

3633

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-8, 10-13 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 10-13 and 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/2/09 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 8, 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Petta (6745523).

Petta (figure 5) shows an interior window covering frame assembly comprising an elongate core substrate (94) having a thickness, an elastic modulus greater than 2.3E, said elongate core substrate having an lateral plate (118) and a flange (96) perpendicularly coupled to the lateral plate, the flange intersecting the elongate lateral plate to provide a first portion and a second portion to provide across sectional t-shape, the elongate lateral plate is coupled to an interior facing wall surface having a first plane, said elongate lateral plate being coupled to the interior facing wall in the first plane, the flange extending outwardly from the elongate lateral plate in a second plane that is substantially perpendicular to the first plane, a connecting channel

(the channel beginning with part 99 figure 7) coupled to at least said first portion of the lateral plate and a first face of said flange, a window covering (86) coupled to said first face of said flange, a decorative covering (112, figure 5) abutting at least one of a second portion of the lateral plate and a third portion of said flange, the decorative covering comprising wood, the window covering comprising a shutter (46).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 6-7, 13, 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petta (6745523).

Petta (figure 5) shows an interior window covering frame assembly comprising an elongate core substrate (94) having a thickness, said elongate core substrate having an lateral plate (118) and a flange (96) perpendicularly coupled to the lateral plate, the flange intersecting the elongate lateral plate to provide a first portion and a second portion to provide across sectional t-shape, the elongate lateral plate is coupled to an interior facing wall surface having a first plane, said elongate lateral plate being coupled to the interior facing wall in the first plane, the flange extending outwardly from the elongate lateral plate in a second plane that is substantially perpendicular to the first plane, a connecting channel (the channel beginning with

part 99 figure 7) coupled to at least said first portion of the lateral plate and a first face of said flange, a window covering (86) coupled to said first face of said flange, a decorative covering (112, figure 5) abutting both at least one of a second face of the flange and the second portion of said lateral plate, the decorative covering comprising wood, the window covering comprising a shutter (46), the decorative covering coupled to said elongate core substrate,

Petta does not show the core substrate having a thickness of less than 5/16 inch.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Petta's core substrate to show the core substrate having a thickness of less than 5/16 inch because it would have been an obvious matter of engineering design choice to have the thickness being 5/16 inch as long as the thickness is able to help fasten the wood frame elements to the main frame.

Per claim 2, Petta as modified further shows the substrate comprising at least one material having an elastic modulus greater than 2.3E (col 5 lines 50-54), the substrate being formed of material selected from the group consisting of fiberglass, metal, graphite and reinforced plastic (col 5 lines 50-54).

Per claim 18, Petta as modified shows all the claimed structural limitations. The claimed method steps would have been the obvious method steps of anchoring Petta's modified structures.

5. Claims 1, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carson (3927492).

Carson (figure 2) shows an interior window covering frame assembly comprising an elongate core substrate (42) having a thickness, said elongate core substrate having an lateral

plate (the plate which mates with part 11) and a flange (42) perpendicularly coupled to the lateral plate, the flange intersecting the elongate lateral plate to provide a first portion and a second portion to provide across sectional t-shape, the elongate lateral plate is coupled to an interior facing wall surface(12) having a first plane, said elongate lateral plate being coupled to the interior facing wall in the first plane, the flange extending outwardly from the elongate lateral plate in a second plane that is substantially perpendicular to the first plane, a connecting channel (17a) coupled to at least said first portion of the lateral plate(the plate which mates with part 11) and a first face of said flange, a window covering (44) coupled to said first face of said flange, a decorative covering (the part that goes into the opening to the left of part 42) abutting both at least one of a second face of the flange and the second portion of said lateral plate, a hinge (58, 48) coupled to said second portion of said first face of said flange.

Carson does not show the core substrate having a thickness of less than 5/16 inch.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Carson's core substrate to show the core substrate having a thickness of less than 5/16 inch because it would have been an obvious matter of engineering design choice to have the thickness being 5/16 inch as long as the thickness is strong enough to mount and support the panel system.

Response to Arguments

15. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Phi D A/
Primary Examiner, Art Unit 3633

Phi Dieu Tran A

3/25/09